

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANDY GIL, and RAFAEL HERNANDEZ, on
behalf of themselves and all other similarly
situated,

Plaintiffs,

v.

PIZZAROTTI, LLC., ATLANTIC
CONTRACTING OF YONKERS, INC., JOEL
ACEVEDO, IGNAZIO CAMPOCCIA,
GIACOMO DI'NOLA a/k/a
GIACOMO DI NOLA, JOHN DOE
CORPORATIONS 1-10, and RICHARD ROES
1-10,

Defendants.

Civil Action No. 1:19-cv-03497-MKV

**NOTICE OF MOTION FOR CERTIFICATION OF PLAINTIFFS' NEW YORK
LABOR LAW CLAIMS AS A CLASS ACTION PURSUANT TO RULE 23**

PLEASE TAKE NOTICE that upon the Complaint and the August 19, 2021 Declaration of David Harrison, and the exhibits annexed thereto, and for the reasons set forth in the accompanying Memorandum of Law, Plaintiffs respectfully request that the Court enter an Order:

1. Certifying Plaintiffs' New York Labor Law ("NYLL") claims as a Rule 23 class action pursuant to Fed. R. Civ. P. 23(a) and (b)(3) on behalf of all individuals paid by Atlantic Contracting of Yonkers, Inc. ("Atlantic") to perform construction work at Pizzarotti's Jardim Project, located at 527 West 27th Street in Manhattan, during any part of the period March, 2018 through March, 2019 (the "Class Period"), excluding any immediate family member of the individual defendants (Joel Acevedo, Ignazio Campoccia, Giacomo Di'nola);

2. Certifying this case as a FLSA Collective;
3. Appointing the Named Plaintiffs ANDY GIL and RAFAEL HERNANDEZ as representatives of the Class;
4. Appointing Plaintiffs' Counsel, DAVID HARRISON and JULIE SALWEN of Harrison Harrison & Associates, Ltd., as Class Counsel;
5. Approving the proposed Notice of this NYLL class action and authorize dissemination of the proposed Notice to Class Members via posting on a website and targeted Facebook ads and text messages to individual Class Members;
6. Ordering the PZ Defendants to pay the cost of the Facebook ads; and
7. Granting such other, further or different relief as the Court deems just and proper.

Pursuant to the Court's July 12, 2021 Order, Defendants' opposition brief must be filed and served on Plaintiffs' counsel by September 9, 2021, and Plaintiffs' Reply, if any, must be filed and served by September 23, 2021.

Dated: August 19, 2021
Respectfully submitted,

/s/ JULIE SALWEN
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Julie Salwen
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